

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07CV210 DCB-JMR

ERNEST LANE, III, as Co-Executor of the Estate of
James Oldrum Smith, Jr., deceased, ET AL.,

DEFENDANTS

**AGREED ORDER OF DISBURSEMENT OF FUNDS AND
FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE**

This cause came on for consideration this day on the *ore tenus* motion of the defendants requesting this court to disburse the interplead funds and dismiss the claims in the case with prejudice. Having considered the motion, and having been informed that the defendants have reached agreement on the disbursement of the funds and the compromise and settlement of claims, and being fully informed in the premises, this court finds that the motion should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows:

1. The \$294, 182.47, plus accrued interest, which is deposited in the registry of the court shall be disbursed by the Clerk to Patricia Peterson Smith.
2. Within ten (10) days of the disbursement of the funds to her, Patricia Peterson Smith shall pay \$137,693.00 to the Estate of James Oldrum Smith, Jr.
3. The claims asserted by the defendants against one another are hereby dismissed with prejudice.

SO ORDERED on this the 31st day of July, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE

AGREED:

s/ Ernest Lane III

s/ William Trey Jones
Counsel for Trustmark National Bank

s/ Charles R. Wilbanks, Jr.
Counsel for Patricia Peterson Smith

s/ Lyn Luckett Smith
on behalf of herself and Doe III, Minor

s/ Christy Grey Noah
on behalf of Doe I and Doe II, Minors

s/ Lela Smith Flowers

s/ Ernest Lane, III
Counsel for Patrick Raymond Smith,
James Oldrum Smith, III and Smith Towing
Company, Inc.